United Nations A/65/94

General Assembly

Distr.: General
24 June 2010

Original: English

Sixty-fifth session
Item 69 (a) of the preliminary list*
Promotion and protection of human rights: implementation of human rights instruments

Status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

Report of the Secretary-General

Summary

The present report, which is submitted in accordance with General Assembly resolution 46/122, describes the recommendations for grants and other related decisions that were adopted by the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery at its fourteenth session held in Geneva from 14 to 18 September 2009. The recommendations for grants were approved by the United Nations High Commissioner for Human Rights on behalf of the Secretary-General on 21 October 2009. The report also provides information on policy decisions adopted by the Board in implementation of the recommendations made by the Office of Internal Oversight Services with a view to further enhancing the activities of the Fund. It updates the report submitted to the General Assembly at its sixty-fourth session (A/64/306 and Corr.1).

* A/65/50.

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I. Mandate of the Fund

1. The General Assembly, in its resolution 46/122, established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery with the purpose of extending humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. Funding is obtained by means of voluntary contributions from Governments, non-governmental organizations (NGOs), other private or public entities and individuals.

II. Administration and Board of Trustees

2. In conformity with resolution 46/122, the Fund is administered in accordance with the relevant financial regulations and rules of the United Nations on general trust funds for humanitarian assistance, by the Secretary-General, and through the Office of the United Nations High Commissioner for Human Rights (OHCHR), with the advice of a Board of Trustees.

3. The Board of Trustees is composed of five United Nations experts with relevant experience in the field of human rights and, in particular, on issues of contemporary forms of slavery, serving in their personal capacities. In December 2007 the Secretary-General appointed the following five members for a three-year term ending on 31 December 2010, with due regard to equitable geographical distribution: Gulnara Shahinian (Armenia), Virginia Herrera Murillo (Costa Rica), Prateep Unsongtham Hata (Thailand), Cleophas Kwdjo Mally (Togo) and David Weissbrodt (United States of America). Ms. Shahinian resigned on 23 May 2008 because she was nominated as Special Rapporteur on contemporary forms of slavery, including its causes and consequences. In March 2009, the Secretary-General appointed Klara Skrivankova (Czech Republic) to replace Ms. Shahinian.

III. Grant cycle and admissibility criteria

A. Grant cycle

4. The deadline for submitting applications for project grants for 2009 was 31 March 2008. Admissible applications received were examined by the Board of Trustees at its fourteenth session, which took place in Geneva from 14 to 18 September 2009. The recommendations for grants adopted by the Board of Trustees at that session were approved by the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, on 21 October 2009, and the grants approved were to be paid in December 2009. Beneficiaries of project grants will have to provide the secretariat of the Fund with mid-year narrative and financial reports on the use of their grants before 30 June 2010 and final year narrative and financial reports on the use of their grants before 28 February 2011. Until satisfactory reports on the use of previous grants are received, no new project grants can be paid to these beneficiaries.

5. The deadline for submitting applications for project grants for 2011 was 31 March 2010. Admissible applications received will be examined by the Board of Trustees at its fifteenth session, scheduled to take place in Geneva in December 2010.

B. Admissibility of new applications and selection process

6. In accordance with the selection criteria adopted by the General Assembly in resolution 46/122, the beneficiaries of assistance from the Fund shall be individuals whose human rights have been severely violated as a result of contemporary forms of slavery. Project admissibility criteria are outlined in the Fund guidelines.

7. Admissible application forms are verified as to their conformity with approved selection criteria and additional information is requested from the organization if necessary. Reference organizations and specialized networks are also consulted if necessary. The complete application form and all required additional documents are then summarized and analysed by the Secretariat in accordance with the selection criteria, to facilitate the work of the Board of Trustees. At its annual session, the Board of Trustees reviews all applications declared admissible, including the original application form, the summary analysis prepared by the secretariat and any other relevant information. The Board of Trustees then makes recommendations to the Secretary-General in accordance with its guidelines. Following the session the secretariat reviews all the recommendations of the Board of Trustees for consistency with relevant United Nations administrative and financial rules and regulations. The High Commissioner approves, on behalf of the Secretary-General, the recommendations regarding project grants.

8. The beneficiary organizations are requested to accept all conditions attached to the grant, such as providing mid-year and final narrative and financial reports on the use of grants by a given deadline. Upon receipt of this confirmation, the secretariat of the Fund requests the financial services of the United Nations Office at Geneva to pay the project grant promptly.

C. Monitoring and evaluation by the Board and the secretariat

9. The secretariat reviews all narrative and financial reports received from beneficiary organizations on the use of project grants and asks for additional information if needed. OHCHR field presences and other United Nations field offices, such as those of the United Nations Development Programme (UNDP), may be requested to provide the secretariat of the Fund with additional information on the organization or project.

10. In carrying out their evaluation, the Board and the secretariat implement the following activities:

(a) At its annual session the Board of Trustees reviews the situation of project grants allocated in previous years. When the Board is satisfied with the reporting by a given organization, it recommends closing the file. If the report is not complete, the Board makes a recommendation requesting specific additional information. No new grants will be allocated to that organization until the Board is satisfied with its report;

(b) Board members and the secretariat may visit projects financed by the Fund;

(c) Board members may establish, if needed, direct contact with project leaders in the field in order to better evaluate the use of the grants. The secretariat may also meet with project leaders;

(d) Reference organizations and specialized networks may be invited to the session of the Board of Trustees to provide additional information on specific organizations or projects.

IV. Financial status of the Fund

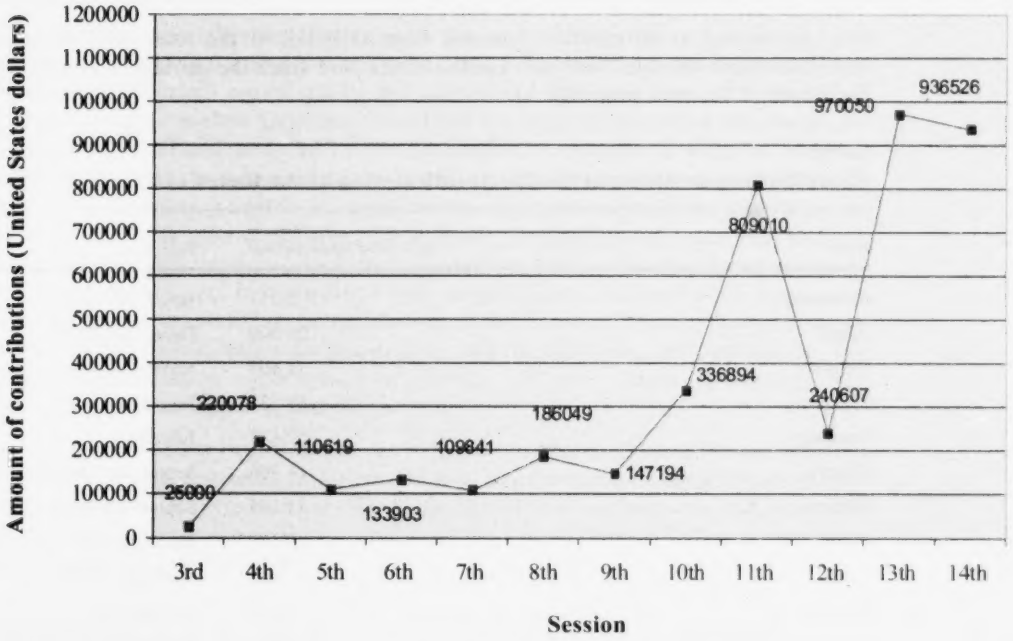
11. According to information received from OHCHR at the fourteenth session, $936,536 was available from new contributions paid since the thirteenth session of the Board of Trustees (see table 1).

Table 1
Contributions available at the fourteenth session of the Board of Trustees

Donor	*Amount (in United States dollars)*	*Date paid*
Cameroon	2 257	July 2009
Brazil	20 000	December 2008
Belgium	74 405	November 2008
Finland	69 735	June 2009
Germany	562 587	July 2009
Greece	14 306	September 2008
Greece	43 165	September 2009
Israel	2 500	January 2009
Japan	50 000	November 2008
Turkey	6 000	August 2008
Turkey	6 000	March 2009
South Africa	4 993	April 2009
Russian Federation	50 000	December 2008
Spain	26 954	December 2008
Venezuela (Bolivarian Republic of)	5 000	February 2009
Prateep Ungsongtham Hata	490	September 2008
Weissbrodt, David	400	September 2008
Total contribution	**936 536**	

12. Figure 1 below shows the trend in the amount of contributions received from 1998 to 2009 per session.

Figure 1
Contributions received from 1998 to 2009



V. Fourteenth session of the Board of Trustees

13. The fourteenth session of the Board of Trustees of the Fund was held at OHCHR headquarters in Geneva from 14 to 18 September 2009. The session was opened by Antti Korkeakivi, Chief of the Indigenous Peoples and Minorities Unit, Rule of Law, Equality and Non-Discrimination Branch of OHCHR. Mr. Korkeakivi congratulated new member Klara Skrivankova (Czech Republic) on her appointment and expressed appreciation to Gulnara Shahinian (Armenia), who had resigned on 23 May 2008 following her nomination as Special Rapporteur on contemporary forms of slavery, including its causes and consequences, for her many years of expert advice and her dedication to combating contemporary forms of slavery.

14. All five members of the Board attended the session. Mr. Weissbrodt was re-elected as Chair of the Board.

15. The Board held 10 meetings, during which it examined information prepared by the secretariat concerning the implementation of recommendations adopted at its thirteenth session, the financial situation of the Fund, fundraising efforts, applications for project grants, developments in the United Nations system concerning relevant mandates and cooperation with United Nations agencies and

follow-up to the recommendations of the Office of Internal Oversight Services (OIOS).

16. The Board met with Navanethem Pillay, United Nations High Commissioner for Human Rights, and with Mona Rishmawi, Chief of the Rule of Law, Equality and Non-Discrimination Branch, to discuss, inter alia, the future work of the Fund and the staffing situation.

A. Recommendations for grants

17. Based on the available funds, the Board adopted its revised cost plan for 2009-2010 of the amount $1,137,000.

18. The Board examined 289 admissible applications for project grants from 77 countries amounting to approximately US$ 3,831,322. In addition, approximately 50 applications were declared inadmissible. Applications were received from the following continents and countries: Africa (105): Benin (1), Botswana (1), Burkina Faso (4), Burundi (3), Cameroon (6), Côte d'Ivoire (4), Democratic Republic of the Congo (12), Ethiopia (1), Gabon (1), Ghana (7), Guinea-Bissau (1), Kenya (11), Liberia (1), Malawi (1), Mali (4), Mauritania (1), Niger (3), Nigeria (11), Republic of Guinea (1), Rwanda (3), Senegal (1), Sierra Leone (2), South Africa (1), Tanzania (5), Togo (6), Uganda (9), Zambia (2), Zimbabwe (2); Asia (112): Bangladesh (7), Indonesia (6), India (54), Iran (Islamic Republic of) (1), Iraq (2), Lebanon (1), Malaysia (1), Mongolia (2), Nepal (12), Pakistan (14), Philippines (2), Sri Lanka (3), Tajikistan (1), Thailand (4), Viet Nam (2); Eastern Europe (27): Albania (3), Azerbaijan (2), Bosnia and Herzegovina (1), Bulgaria (3), Georgia (3), former Yugoslav Republic of Macedonia (6), Kyrgyzstan (1), Lithuania (2), Moldova (Republic of) (1), Poland (1), Russian Federation (1), Serbia (1), Ukraine (1); Latin America and the Caribbean (30): Argentina (1), Bolivia (2), Brazil (2), Colombia (3), Costa Rica (2), Ecuador (2), Guatemala (2), Haiti (6), Mexico (1), Nicaragua (1), Panama (2), Peru (5), Uruguay (1); Western Europe and others (16): Australia (1), Canada (1), France (2), Ireland (1), Israel (2), Switzerland (1), Turkey (1), United Kingdom of Great Britain and Northern Ireland (2), United States of America (5).

19. In the light of the selection criteria, the Board of Trustees recommended 63 project grants for a total amount of $726,090, which will assist non-governmental organizations in 44 countries; in Africa (10): Benin (1), Botswana (1), Cameroon (1), Côte d'Ivoire (1), Democratic Republic of the Congo (1), Kenya (1), Rwanda (1), South Africa (1), Togo (1), Zimbabwe (1); Asia (23): Bangladesh (3), Indonesia (2), India (3), Iran (Islamic Republic of) (1), Lebanon (1), Malaysia (1), Mongolia (1), Nepal (4), Pakistan (3), Sri Lanka (1), Tajikistan (1), Thailand (2); Eastern Europe (11): Albania (2), Azerbaijan (1), Bosnia and Herzegovina (1), Bulgaria (2), former Yugoslav Republic of Macedonia (1), Lithuania (1), Moldova (Republic of) (1), Poland (1), Russian Federation (1); Latin America and the Caribbean (11): Brazil (1), Colombia (2), Costa Rica (1), Guatemala (1), Haiti (4), Mexico (1), Peru (1); Western Europe and others (8): Ireland (1), Israel (2), Switzerland (1), Turkey (1), United Kingdom (1), United States of America (2). (See list of project grants in annex I to the present report.)

20. The Board also recommended establishing a contingency list of 27 project grants for a total amount of $281,167 to be disbursed in case some of the

non-governmental organizations selected for grants do not comply with the conditions attached to their grants. The proposed contingency list includes 27 non-governmental organizations in 22 countries; in Africa (12): Burkina Faso (1), Burundi (2), Congo (1), Ghana (1), Kenya (1), Liberia (1); Nigeria (1), Sierra Leone (1), Togo (1), Uganda (2); Asia (6): Bangladesh (1), Nepal (3), Thailand (1), Viet Nam (1); Eastern Europe (2): Kyrgyzstan (1), Macedonia (1); Latin America and the Caribbean (7): Argentina (1), Costa Rica (1), Ecuador (1), Haiti (2), Peru (1) and Uruguay (1) (see list of project grants in annex II to the present report).

21. The Board also recommended setting aside a budget line of $20,000 for special emergency grants.

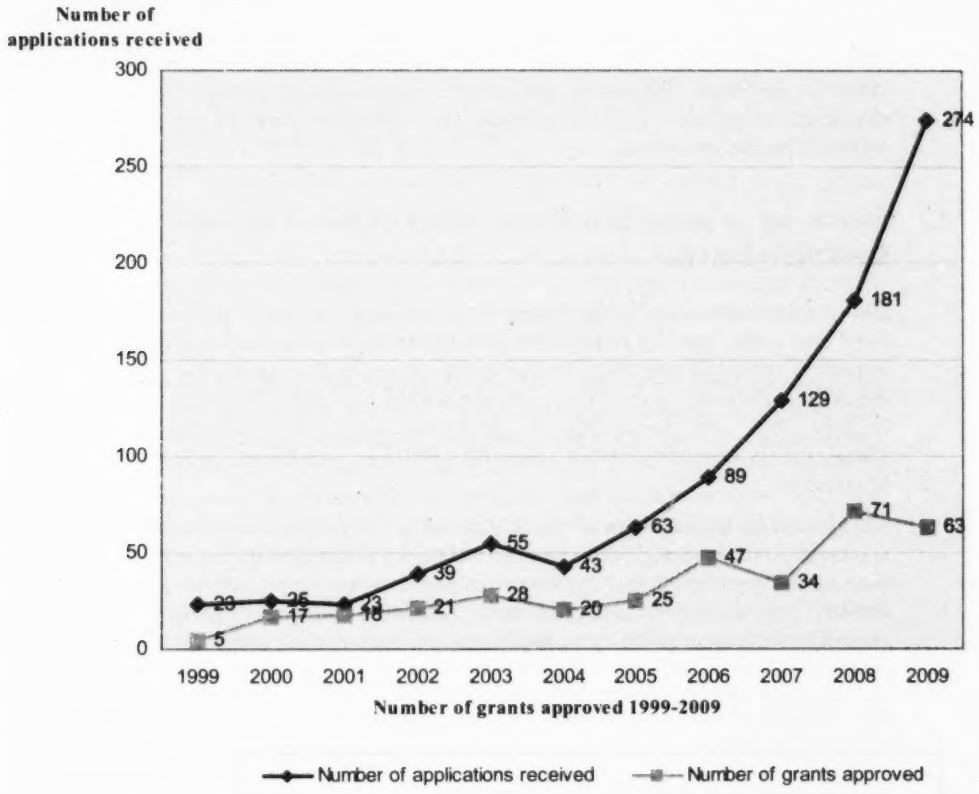
22. The Board took into account the importance of gender representation and national and regional distribution when considering applications for travel and project grants. It appears that more than half of the individuals who benefit from project grants are women.

23. The relevant statistics since the Board started allocating grants in 1998, including the number of project applications received and the amount of money requested, as well as the number of grants approved and the amount of money allocated by the Fund, are shown in table 2 and figure 2 below.

Table 2
Statistics on the allocation of travel and project grants, 1998-2009

Year	*Number of admissible applications*	*Amount requested (in United States dollars)*	*Number of grants approved*	*Amount allocated (in United States dollars)*
1999	23	800 000	5	27 000
2000	25	552 236	17	83 500
2001	23	330 000	18	148 700
2002	39	600 000	21	121 000
2003	55	743 990	28	130 920
2004	43	553 275	20	150 700
2005	63	696 057	25	215 330
2006	89	1 026 445	47	590 156
2007	129	1 625 732	33	269 200
2008	181	2 190 837	71	733 109
2009	274	3 831 322	63	726 090

Figure 2
Number of applications received and number of grants approved by the Fund, 1999-2009



B. Fundraising

24. The Board held its annual meeting with donor Governments, interested Governments and other donors on 17 September. The meeting was attended by representatives of Algeria, Bahrain, Brazil, the Holy See, Japan and Pakistan.

25. The Board agreed to send a letter signed by the Chair to all Permanent Missions and delegations to the United Nations Office at Geneva appealing for contributions to the Fund on the International Day for the Abolition of Slavery, 2 December 2009 (see statement in sect. VI).

26. The Board recommended that the secretariat of the Human Rights Council invite a representative of the Board to introduce the report of the Secretary-General on the Fund, provide the Council with updated information on its work and on the financial situation of the Fund, and invite donors to contribute to the Fund.

27. The Board met with Charles Radcliffe, Chief of the Donor and External Relations Section of OHCHR. On the basis of that discussion, the Board recommended to the Section the dissemination of information on the Fund during meetings with regular donors of OHCHR and to increase collaboration between the Donor and External Relations Section and the secretariat of the Fund.

28. Under its agenda item on the financial status of the Fund, the Board met with Eldon Pearce, Chief of the Finance and Budget Section, to discuss the financial status of the Fund. The Board stressed the importance of prompt disbursement of payments to grantees and of updating the follow-up table of payment requests prepared by the secretariat.

C. Follow-up to recommendations of the Office of Internal Oversight Services

29. As recommended by the Board at its eleventh session, a global review of the Fund was undertaken by OIOS from November 2006 to January 2007 to review the impact of the Fund activities on the target groups and to assess the efficiency and the effectiveness of its reporting and monitoring processes. The final report, issued in June 2007 and containing 21 recommendations, assessed that the Fund is addressing its mandate and has a positive impact on victims of contemporary forms of slavery.

30. Under its agenda item on the follow-up to OIOS recommendations, the Board met with Anna Nyaoro, an auditor of OIOS, who stressed that good progress had been made by OHCHR and the Board in implementing the OIOS recommendations and that only a limited number of recommendations, including those related to the overall coordination of the three humanitarian funds managed by OHCHR, remained pending.

31. Subsequently, the Board followed up further on the following OIOS recommendations.

Recommendations 1-5

32. OIOS recommended that more detailed guidelines be established for the selection process of beneficiaries. The Board adopted the final version of its guidelines and policies, including key indicators of contemporary forms of slavery and special provisions encouraging NGOs to develop sustainable projects accompanied by actions that address the root cause of modern slavery. The new guidelines and policies also include a funding policy for two-year grants, subject to the availability of funds. Special provisions were inserted to encourage applicants to use part of their grants for capacity-building. In addition, the Board decided to request NGOs to include beneficiaries in both the design and the implementation phases of the projects. The Board recommended that OHCHR translate the guidelines and policies into Spanish and French.

33. The Board also stressed that members of the Board could play a more proactive role in encouraging projects by providing training and other assistance to selected NGOs in their respective regions.

Recommendations 6-7

34. OIOS recommended improving access to information available on the Fund website in order to facilitate the establishment of partnerships and the sharing of best practices among grantees, to raise awareness of the problem of slavery and to publicize the achievements of the Fund.

35. The Board welcomed the new version of the website of the Fund and recommended its translation into French and Spanish. The Board recommended that best practices and lesson learned be compiled from narrative reports at the end of each reporting year and made publicly available.

36. The Board recommended extending the directory of NGOs working on contemporary forms of slavery by including grass-roots NGOs.

37. The Board stressed the importance of the International Day for the Abolition of Slavery as an annual occasion to raise awareness of the issue, and recommended that the Chair deliver a statement on that occasion, if possible, together with other relevant United Nations organs (see Board statement in sect. VI).

38. In line with OIOS recommendation No. 7, requesting OHCHR to raise awareness of the problem of slavery, the Board recommended to explore the possibility of establishing a fellowship programme for young professionals having knowledge of and working experience on issues related to contemporary forms of slavery, nationally and internationally. The OHCHR staff and members of the Board of Trustees could provide training for these fellows on international human rights system, including the treaty body system, the Human Rights Council, the Universal periodic review and Special Procedures in relation to contemporary forms of slavery. They could then put this improved expertise to use by analysing project applications and producing research documents aimed at building capacity among grantees. The Board recommended that OHCHR follow up on that proposal and that a budget line of $63,200 be established for that purpose, which could enable four fellows to complete a five-month programme.

Recommendation 9

39. OIOS recommended the establishment of a formal monitoring and evaluation mechanism.

40. The Board provisionally adopted the draft guidelines for project evaluation and recommended that OHCHR request further assistance from its field presences and from UNDP in the monitoring and evaluation of projects.

41. The Board expressed concerns about 140 financial and narrative reports from the period 2005-2008 that had not yet been evaluated owing to the limited staff resources of the secretariat. The Board recommended that these reports be analysed as a matter of priority and that all projects on which satisfactory reports had been received be closed.

42. The Board welcomed the information received on the mission to India that was undertaken by the secretariat of the Fund and Prateep Unsongtham Hata to monitor the implementation of projects supported by the Fund. In the light of their findings and concerns in terms of the effective implementation of some of the projects and taking into account the high number of applications received from India, the Board recommended that a consultant be hired to undertake a needs assessment exercise

and to evaluate the effectiveness of the past activities and present programmes of the non-governmental organizations that have applied for funding.

43. The Board recommended that selected projects be visited on a regular basis. Reports of project visits should be prepared by the secretariat for consideration by the Board at its annual session. The Board recommended that up to four field missions be organized annually and that a budget line of $45,000 be established to fund these field missions. Furthermore, the Board recommended that UNDP and the International Labour Organization (ILO) field offices be informed of any planned evaluation missions, and it suggested that these visits be used also for outreach to organizations, particularly in affected areas with a low number of grant applications.

Recommendation 10

44. OIOS recommended establishing a management information system to enable effective monitoring and follow-up of grants.

45. The Board expressed its appreciation for the completion of a new management information system that had been developed by the information technology section of OHCHR, and recommended that $60,000 be allocated for a temporary assistant who would enter the required data in the new grant management system.

Recommendation 13

46. OIOS recommended reformulating the processing and funding cycle of the Fund.

47. The Board adopted a grant cycle for projects grants for 2011, with a deadline for the submission of project application for 2011 set at 31 March 2010.

Recommendations 15 and 16

48. OIOS recommended that OHCHR establish a more comprehensive and cost effective pre-screening policy. For each new applicant applying for the first time to the Fund, the Board requested that the secretariat review all supporting documents, including the registration certificate of the organization, the statute of the organization, a copy of bank records indicating signatories for the organization, copies of bank statements, two letters of recommendation and evidence of other sources of funding. The Board requested to the secretariat to systematically contact the referees and the donors mentioned in the applications to verify statements contained in the applications. The Board further recommended sending systematic reminders in case non-governmental organizations did not produce requested additional documents.

49. The Board also recommended close cooperation between OHCHR and UNDP field presences, ILO, the United Nations Children's Fund (UNICEF) and the United Nations country team to verify the work undertaken by new applicants and notably the quality of the assistance provided to victims of contemporary forms of slavery at the grass-roots level.

50. The Board recommended that the secretariat continue to liaise with the Board members, the United Nations Voluntary Fund for Victims of Torture, the Assisting Communities Together (ACT) Fund and the One Percent Fund to exchange information on applicants.

51. The Board welcomed the creation of an Intranet page for the members of the Board and requested that all applications and supporting documents be made available to the members on this platform at least one month before the session.

D. Cooperation with United Nations agencies and developments in the United Nations system concerning relevant mandates

52. Under the agenda item devoted to collaboration with United Nations agencies, the Board met with Simon Steyne, head of ILO International Programme on the Elimination of Child Labour (IPEC) Operations. Mr. Steyne discussed the forthcoming ILO IPEC global conference on child labour that was to take place in May 2010 and presented the ILO IPEC strategies to eliminate child labour by 2016. The Board members and Mr. Steyne discussed methods of cooperation between ILO field offices and the Fund for the pre-screening of applications and the monitoring of grantees related to child labour.

53. The Board recommended that the secretariat share the list of all applications related to child labour submitted to the Fund with the head of ILO IPEC Operations so that he could liaise with ILO IPEC national offices to obtain additional information.

54. The Board recommended inviting UNDP and UNICEF to the next session of the Board to discuss means of enhancing collaboration.

55. The Board took note of the report and plan of action of the consultative coordination workshop on the work of the mandates of the Special Rapporteurs on the sale of children, child prostitution and child pornography; trafficking in persons, especially women and children; and contemporary forms of slavery, including its causes and consequences, which was held on 25 and 26 June 2009, with the participation of the Fund secretariat.

56. The Board welcomed the launching of a world-wide mapping exercise of non-governmental organizations and other relevant partners working on contemporary forms of slavery that will be undertaken by a number of United Nations agencies and international NGOs, and recommended that the secretariat make extensive use of that document during the pre-screening process of new applicants.

57. The Board met with Mariana Katzarova, OHCHR Adviser on Human Trafficking, to discuss OHCHR work on trafficking issues. Ms. Katzarova introduced the work of OHCHR related to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by OHCHR in 2002 and recent developments concerning the United Nations Global Initiative to Fight Human Trafficking. The Board recommended that the secretariat continue collaborating with the OHCHR Adviser on Human Trafficking and start coordinating and sharing information as regards the United Nations Global Initiative to Fight Human Trafficking and with the United Nations Trust Fund to End Violence against Women, managed by the United Nations Development Fund for Women.

58. The Board also met with Gulnara Shahinian, Special Rapporteur on contemporary forms of slavery, including its causes and consequences, to discuss means of collaboration. The Special Rapporteur took note of the new policies

adopted by the Board members and expressed her deep appreciation for the good cooperation in the preparation of her missions to Haiti and Brazil.

59. In line with recommendations 6 and 8 of OIOS, the Board decided to recommend that a budget line of $20,000 be allocated for grants to non governmental organizations to enable them to attend regional, subregional and national meetings organized in the framework of the field missions of the Special Rapporteur and to contribute to the implementation of the recommendations made by the Special Rapporteur in her reports.

60. The Board recommended organizing a joint parallel event with the Special Rapporteur in the framework of the fifteenth session of the Human Rights Council and with interested Governments and non-governmental organizations.

61. The Board recommended revising OHCHR Fact Sheet No. 14 on contemporary forms of slavery, in collaboration with the Special Rapporteur on contemporary forms of slavery, in order to include a reference to the activities of the Fund and to the new mandate of the Special Rapporteur.

E. Other recommendations

62. The Board reviewed the implementation of its recommendations from the fourteenth session in 2009, and expressed its appreciation for the follow-up that had been achieved despite resource constraints. In the light of the continuous increases in the number of applications and in contributions, and bearing in mind the limited staff resources of the secretariat of the Fund, the Board reiterated its recommendation to find a sustainable solution to enable the Board members to fulfil its mandate.

63. The Board expressed its gratitude to the University of Minnesota for engaging a research assistant to pre-screen project proposals during the period of June-September 2009.

VI. International Day for the Abolition of Slavery

64. On 2 December 2009, the Board members issued the following statement to commemorate the International Day for the Abolition of Slavery:

> "The International Day for the Abolition of Slavery should serve as a reminder to people everywhere that slavery is not only a thing of the past. It is an appalling reality that today millions of human beings all over the world continue to be subjected to contemporary forms of slavery. There is no country immune to its proliferation.
>
> "As pointed out by the United Nations Secretary-General in his message to mark that day: 'In our globalized world, new forms of slavery have taken shape. The list of abhorrent practices, new and old, is now shockingly long, and includes debt bondage, serfdom, forced labour, child labour and servitude, trafficking of persons and human organs, sexual slavery, the use of child soldiers, the sale of children, forced marriage and the sale of wives, and the exploitation of prostitution'.

"The majority of those who suffer are the poor and socially excluded groups such as minorities and migrants. The overlapping factors of poverty, class and race create structural problems and cycles of marginalization that are hard to break. Indigenous peoples are more exposed to bonded labour because in many countries they have limited access to land. Gender inequalities and discrimination, lack of education, desperation for work and demand for cheap labour also trap people. The global economic and financial crisis threatens to heighten vulnerability further.

"We welcome the appointment of several relevant thematic procedures, including the new Special Rapporteur on contemporary forms of slavery, its causes and consequences, as a historic step in the fight against slavery and the eradication of slavery-like practises. We also congratulate the Special Rapporteur on trafficking in persons, especially in women and children; the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on violence against women, its causes and consequences; the Special Representative of the Secretary-General on children in armed conflict; and the Special Rapporteur on the human rights of migrants, for their outstanding efforts to combat modern forms of slavery.

"We urge all States to ratify and implement existing instruments in this area, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Crime.

"On this day, we pay tribute to all Governments, civil society organizations and individuals engaged in activities aimed at eradicating slavery and ensuring that all victims obtain redress, including the means for as full rehabilitation as possible. We express our profound commitment to the struggle against slavery and particularly to the victims.

"We appeal to Member States to implement their obligations to abolish and eradicate slavery in all its manifestations. We express our gratitude to all donors to the United Nations Voluntary Fund for Victims of Contemporary Forms of Slavery, and call upon the international community to express its solidarity with victims of slavery by contributing generously to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to allow it to increase its assistance to victims and contribute to ending these intolerable and unacceptable practices worldwide."

VII. How to contribute to the Fund

65. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. Donors should indicate "For the Slavery Fund, account SH" on a payment order. For information on how to contribute, donors are kindly requested to contact the secretariat of the Fund at:

Secretariat of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery
Office of the United Nations High Commissioner for Human Rights
United Nations
CH 1211 Geneva 10
Switzerland
Telephone: + (41) (22) 928 9737 or 928 9164
Fax: + (41) (22) 928 9066

VIII. Conclusions and recommendations

66. The Fund has attracted increased interests among non-governmental organizations working to assist victims of slavery. About 274 applications for grants amounting to approximately $3,831,322 were received in 2009. The Board of Trustees was able to recommend only $726,090, which represents less than 15 per cent of the total amount requested. The number of applications has increased significantly, and there has been a welcome increase in the contributions made by donors. Nevertheless, the Fund continues to fall short in terms of meeting the growing demand and need for support. The Board estimates that, in order to be able to fulfil its mandate and to respond positively to new applications to be received in 2010, the Fund would need new contributions amounting to at least $4,000,000 prior to the fifteenth session of the Board of Trustees, which will take place in December 2010.

67. Donors and potential donors are encouraged to step up further their support to the Fund to allow the Fund to expand its crucial assistance to victims of slavery. With respect to the next cycle, donors are invited to contribute to the Fund before November 2010 in order for the contributions to be duly recorded by the United Nations Treasurer in advance of the fifteenth session of the Board.

Annex I

Project grants approved by the Board of Trustees at its fourteenth session

Organization	*Country*	*Title of project or aspect covered*	*Amount approved (United States dollars)*	*Conditions attached to the grants*
Different & Equal Organization	Albania	Providing sustainable reintegration assistance to former Albanian victims of trafficking	12 000	
Caritas Albania	Albania	Empowerment of Roma young girls in facing human trafficking	15 000	
"Clean World" Aid to Women Social Union	Azerbaijan	Support and rehabilitation Center for the human trafficking victims	10 800	
Prova Society	Bangladesh	Child Labor Elimination and Prevention (CLEP)	8 000	
Society for Training and Rehabilitation (STAR)	Bangladesh	Human rights leadership training for women workers and self-employment of victimized domestic maidservants to liberate them from the atrocities of contemporary servitude	9 000	
Aid Organization (AO)	Bangladesh	Eradication of hazardous child labour in Bangladesh	10 000	
Enfants Solidaires d'Afrique et du Monde	Benin (Republic of)	Training of social actors and direct care for the protection of children who are victims of trafficking in Bopa Commune	14 540	To be kept pending until receipt of satisfactory additional information.
La Strada-Bosnia	Bosnia and Herzegovina	Prevention of trafficking in human beings — compensation project	1 000	
Bana Ba Letsatsi (Sunshine Children)	Botswana	Setswana for "Protect the Children" (Sereletsa Bana)	11 300	To be kept pending until receipt of satisfactory additional information
Comissão Pastoral de Terra (CPT) [Pastoral Land Commission]	Brazil	Preventing enslavement in the new agribusiness frontline, in north and central Brazil	15 000	
GERT (Gender education, research and technologies foundation)	Bulgaria	Childhood free of sexual and labour exploitation: prevention of children under institutional care from the worst forms of child labour	12 420	To be kept pending until receipt of satisfactory additional information

Organization	*Country*	*Title of project or aspect covered*	*Amount approved (United States dollars)*	*Conditions attached to the grants*
Animus Association Foundation	Bulgaria	Humanitarian aid to women survivors of trafficking to complement the minimum set of services, provided in the context of the Bulgarian National Referral Mechanism	15 000	To be kept pending until receipt of satisfactory additional information
Nku'mu Fed-Fed	Cameroon	Rehabilitation and re-insertion of ex-victims of child trafficking in the north-west region of Cameroon	10 000	To be kept pending until receipt of satisfactory additional information
Confederación General del Trabajo — CGT Colombia	Colombia	Assertion of human and labour rights for female service workers and domestic employees in Medellín, Colombia	7 000	
Fundación Esperanza por un retorno seguro	Colombia	Prevention of human trafficking and sex slavery through information strategies, counselling and assistance to female victims or potential victims of this crime	14 998	To be kept pending until receipt of satisfactory additional information
Arche d'Alliance (ARAL)	Congo (Democratic Republic of)	Backstopping for the promotion of community awareness in preventing and combating impunity for contemporary forms of slavery in South Kivu, Democratic Republic of the Congo	14 907	To be kept pending until receipt of satisfactory additional information
Defensa de Niñas y Niños Internacional, DNI-Costa Rica	Costa Rica	Psychosocial and legal assistance for victims of sex slavery and trafficking	14 950	To be kept pending until receipt of satisfactory additional information
Soleterre-Strategie di Pace ONLUS	Côte d'Ivoire	Protection against exploitation and sexual violence for girls and minor females who are prostitutes, at risk of becoming prostitutes or marginalized	15 000	To be kept pending until receipt of satisfactory additional information
Asociación para la Eliminación de la Prostitutción, Pornografía, Turismo, Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala	Guatemala	Protection and comprehensive assistance for children and adolescents who are victims or potential victims of trafficking and commercial sexual exploitation in Guatemala	7 652	
Konbit Pou Lape Ak Devlopman Nan Pon-Wouj	Haiti	Combating the use of children for domestic work in Lasaline through education and community awareness	10 060	To be kept pending until receipt of satisfactory additional information

Organization	*Country*	*Title of project or aspect covered*	*Amount approved (United States dollars)*	*Conditions attached to the grants*
Jean R. Cadet Restavec Foundation	Haiti	Hope for Haiti-Education Haiti s Most Vulnerable Children	10 000	To be kept pending until receipt of satisfactory additional information
Terre des Hommes Suisse	Haiti	Assistance for children who perform domestic work in Port-au-Prince, Haiti	10 000	To be kept pending until receipt of satisfactory additional information
Komite Paran an Difikilte nan Matisan (KOPADIM)	Haiti	Educational programme, psychosocial support and professional training for 100 children in domestic service in the Martissant area of Haiti	10 000	To be kept pending until receipt of satisfactory additional information
Development of Underprivileged through Integrated Economical Services (DUTIES)	India	Debt bondage, sexual slavery, bonded labour, child labour	14 371	To be kept pending until receipt of satisfactory additional information
Association for the social, educational and charitable activities for the poor communities (ASHA)	India	Rehabilitation programme for child labourers and working children	12 000	To be kept pending until receipt of satisfactory additional information
Adarsa Rural Integrated Development Society (ARIDS)	India	Upliftment and empowerment of suppressed, agonized and bonded victims of slavery	12 750	To be kept pending until receipt of satisfactory additional information
Yayasan Puri Hijau	Indonesia	Development of crocodile farms in Mamberamo to assist victims of slavery	10 500	To be kept pending until receipt of satisfactory additional information
Center for Study and Child Protection (PKPA)	Indonesia	The protection and recovery of child victims of exploitation and trafficking through community-based drop-in centre in North Sumatra	10 000	
Omid-e-Mehr Foundation (Omid)	Iran (Islamic Republic of Iran)	Omid halfway house shelter	15 000	To be kept pending until receipt of satisfactory additional information
Ruhama	Ireland	Support to victims of sex trafficking in Ireland	10 500	
Kav LaOved — Worker's Hotline	Israel	Monitoring Israeli governmental reform aimed at eliminating the "binding" of migrant workers to their employers	7 500	To be kept pending until receipt of satisfactory additional information
Hotline for Migrant Workers	Israel	Combating trafficking in persons	10 000	To be kept pending until receipt of satisfactory additional information
WVP Kenya	Kenya	Streetwise leaders	14 727	To be kept pending until receipt of satisfactory additional information
Caritas Lebanon Migrant Center (CLMC)	Lebanon	Protection and assistance for victims of trafficking in Lebanon	13 200	

Organization	*Country*	*Title of project or aspect covered*	*Amount approved (United States dollars)*	*Conditions attached to the grants*
Missing persons' families support centre	Lithuania	Victims of human trafficking integration through art therapy	12 545	
Women's lobby and action against violence and trafficking in women — Open Gate	Macedonia (former Yugoslav Republic of)	Providing case-by-case reintegration assistance to trafficked persons in the former Yugoslav Republic of Macedonia	14 980	To be kept pending until receipt of satisfactory additional information
Health Equity Initiatives	Malaysia	Health services, legal aid and policy advocacy for survivors of trafficking, forced labour and exploitation among migrants and refugees in Malaysia	12 338	To be kept pending until receipt of satisfactory additional information
Alternantiva Pacificas	Mexico	Prevention of human trafficking and assistance and protection for victims of human trafficking	8 500	To be kept pending until receipt of satisfactory additional information
Hope and Health	Moldova	Specialized reintegration support for mentally challenged victims and potential victims of trafficking	15 000	To be kept pending until receipt of satisfactory additional information
Center for Human Rights and Development (CHRD)	Mongolia	Research on current situation on labour exploitation in Mongolia	5 710	To be kept pending until receipt of satisfactory additional information
CWISH	Nepal	Strengthening domestic workers' rights movement in Nepal	10 880	To be kept pending until receipt of satisfactory additional information
Dynamism in Social Development (DIDS)	Nepal	Child labourers and child servitude rehabilitation programme	10 000	To be kept pending until receipt of satisfactory additional information
Planete Enfants	Nepal	Capacity-building for a rehabilitation centre for victims of human trafficking in Kathmandu, Nepal	12 760	To be kept pending until receipt of satisfactory additional information
Rural Women's Creative Forum	Nepal	Awareness, advocacy and support	10 000	To be kept pending until receipt of satisfactory additional information
Insan Dost Association (IDA)	Pakistan	Struggle against slavery through education	11 500	To be kept pending until receipt of satisfactory additional information
The Volunteer's Social Welfare Organization (VSWO)	Pakistan	Back to life — promoting and protecting rights of female brick workers	10 600	To be kept pending until receipt of satisfactory additional information
Association of Network for Community Empowerment (ANCE)	Pakistan	Elimination of slavery through education	14 667	To be kept pending until receipt of satisfactory additional information

Organization	*Country*	*Title of project or aspect covered*	*Amount approved (United States dollars)*	*Conditions attached to the grants*
Capital Humano y Social Alternativo (CHS Alternativo)	Peru	Identification and monitoring of cases of trafficking in children, adolescents and women for sexual and labour exploitation in two regions of Peru (Lima and Loreto)	10 000	To be kept pending until receipt of satisfactory additional information
"Immaculate Mary", Association for Helping Girls and Women	Poland	The Hope — integral help for the victims of trafficking in women	11 030	To be kept pending until receipt of satisfactory additional information
CAVVHT (Center for Assistance to Victims of Violence and Human Trafficking)	Russian Federation	Prevention of labour and sexual exploitation of child migrants	14 800	To be kept pending until receipt of satisfactory additional information
Centre Chrétien pour le Développement des Paysans en Milieu Rural C.C.D. P.R.	Rwanda	Action to reduce the economic slavery of pygmies of the chiefdom of Lwindi practised by other local communities	7 000	To be kept pending until receipt of satisfactory additional information
Justice Acts	South Africa	Traffic proof	10 000	To be kept pending until receipt of satisfactory additional information
Community Concern Society	Sri Lanka	Shelter for survivors of slavery	9 000	To be kept pending until receipt of satisfactory additional information
Vivere	Switzerland	Protection and assistance to victims of trafficking in human beings in the United Arab Emirates	15 000	To be kept pending until receipt of satisfactory additional information
The League of Women Lawyers of Tajikistan	Tajikistan	Support for the prevention of negative consequences of forced marriage	13 985	To be kept pending until receipt of satisfactory additional information
Duang Prateep Foundation	Thailand	Children's rights protection Young women's development project	14 285	To be kept pending until receipt of satisfactory additional information
Children of the Forest	Thailand	Children of the Forest	15 000	
La Colombe	Togo	Action to prevent the exploitation of girls working as waitresses in bars and restaurants in the prefectures of Vo and Yoto	14 975	
Foundation for Women's Solidarity	Turkey	Development of the capacity of the civil society organizations in Antalya and Ankara to identify victims of human trafficking	14 760	To be kept pending until receipt of satisfactory additional information
Southern Refugee Legal Aid Network (SRLAN)	United Kingdom	Refuge for children fleeing conscription	14 600	To be kept pending until receipt of satisfactory additional information
Coalition to Abolish Slavery and Trafficking (CAST)	United States of America	Seeds of renewal	10 000	

Organization	*Country*	*Title of project or aspect covered*	*Amount approved (United States dollars)*	*Conditions attached to the grants*
Polaris Project	United States of America	Washington, D.C., trafficking intervention programme	1 000	
Women's Self-Promotion Movement (WSPM)	Zimbabwe	Addressing the human suffering of women survivors of the political-economic crises in Mbare through capacity-building and economic empowerment	12 000	To be kept pending until receipt of satisfactory additional information

Annex II

Contingency list of project grants recommended by the Board of Trustees at its fourteenth session

Organization	*Country*	*Title of project or aspect covered*	*Amount approved (United States dollars)*	*Conditions attached to the grants*
Defensa de Niñas y Niños Internacional — sección Argentina	Argentina	Protection of the rights of children and adolescents subjected to economic exploitation and slavery. "Aurora"	8 000	To be kept pending until receipt of satisfactory additional information
POWER (Platform of Women s Empowerment and Rights)	Bangladesh	Promotion of human rights of poor girl-victims of slavery and their self-employment for liberation from slavish living without dignity	10 000	To be kept pending until receipt of satisfactory additional information
Keoogo	Burkina Faso	Support for *talibé* children and girls who are victims of sexual exploitation	10 300	To be kept pending until receipt of satisfactory additional information
Dagropass-« AMAGARANIKINDI »	Burundi	Assistance to male-dominated women in rural Burundi	14 500	To be kept pending until receipt of satisfactory additional information
Association des Amis de Kirundo/Burundi pour l'Education et le Développement	Burundi	Backstopping of action to combat modern forms of child slavery in Burundi	14 900	To be kept pending until receipt of satisfactory additional information
Solidarité pour les Initiatives des Peuples Autochtones Pygmées	Congo (Democratic Republic of)	Awareness-raising in the campaign against forced marriages and the sale of wives in Bunyakiri	8 000	To be kept pending until receipt of satisfactory additional information
Alianza por Tus Derechos	Costa Rica	Strengthening community action and strategies to combat the commercial sexual exploitation of children in Limon Province	12 600	To be kept pending until receipt of satisfactory additional information
Fundación ESPERANZA	Ecuador	Pilot experiment to promote awareness and prevent children and adolescents of the Kichwa people in Ecuador from being trafficked	5 000	To be kept pending until receipt of satisfactory additional information
Inter-African Committee on Traditional Practices (IAC)	Ghana	Combating sexual slavery in Ghana	15 000	To be kept pending until receipt of satisfactory additional information
Centre d'Action pour le Développement	Haiti	Strengthening of the halfway house for girls and psychological rehabilitation of children at risk in their family environment	10 000	To be kept pending until receipt of satisfactory additional information

Organization	*Country*	*Title of project or aspect covered*	*Amount approved (United States dollars)*	*Conditions attached to the grants*
Association Zanmi Timoun	Haiti	Vocational training and support for income-generating activities for 30 adolescents who are victims of child domestic labour practices in the metropolitan area of Port-au-Prince	10 000	To be kept pending until receipt of satisfactory additional information
Olmaa Pastoralist Development Programme (OLPADEP)	Kenya	Olmaa Girl-Child and Women Rights Empowerment Project	10 000	To be kept pending until receipt of satisfactory additional information
Kyrgyz Committee for Human Rights (KCHR)	Kyrgyzstan	Forced labour of Kyrgyz migrants in Russia	7 500	To be kept pending until receipt of satisfactory additional information
Rescue Alternatives Liberia (RAL)	Liberia	Anti-Child Labour Campaign through Alternatives	8 000	To be kept pending until receipt of satisfactory additional information
Association for support and protection of individuals and groups under risk for happy childhood	Former Yugoslav Republic of Macedonia	Center for economic empowering and psychosocial support of women at risk and victims of human trafficking — Macedonian citizens	14 530	To be kept pending until receipt of satisfactory additional information
Maiti Nepal	Nepal	Action against trafficking of children and women (ATCW)	10 000	To be kept pending until receipt of satisfactory additional information
Agroforestry Basic Health and Cooperatives (ABC) Nepal	Nepal	Rehabilitation, training and reintegration of the survivors of trafficking, domestic violence and other forms of violence	15 000	To be kept pending until receipt of satisfactory additional information
Rural Access Development and Research (RADAR)	Nepal	Elimination of (bonded labour) child labour and child servitude in additionally identified former Kamaiyas families	10 000	To be kept pending until receipt of satisfactory additional information
Idia Renaissance	Nigeria	Proposal to train in vocational skills and empower 30 victims of human trafficking in Edo State, Nigeria	12 787	To be kept pending until receipt of satisfactory additional information
Ama Asociacion Indigena del Peru	Peru	Erradicando el trabajo forzoso en el sector forestal	10 500	To be kept pending until receipt of satisfactory additional information
War-Affected Girls and Adults (WAGA)	Sierra Leone	Community mobilization against sexual exploitation and slavery (CASES)	8 000	To be kept pending until receipt of satisfactory additional information
Labour Rights Promotion Network (LRP)	Thailand	Legal aid to end human trafficking	7 200	To be kept pending until receipt of satisfactory additional information

Organization	*Country*	*Title of project or aspect covered*	*Amount approved (United States dollars)*	*Conditions attached to the grants*
Initiatives des Jeunes pour le Développement (IJD)	Togo	Reintegration into society and the workforce of girls who have been sexually abused in the workplace	11 150	To be kept pending until receipt of satisfactory additional information
National Foundation for Democracy and Human Rights in Uganda (NAFODU)	Uganda	Campaign against child abuse in south-western Uganda	8 000	To be kept pending until receipt of satisfactory additional information
Platform for Labour Action (PLA)	Uganda	Strengthening community initiatives to reintegrate children working and living on the street in Lira district in northern Uganda	12 400	To be kept pending until receipt of satisfactory additional information
Red Uruguaya de Autonomías	Uruguay	Campaign to eliminate trafficking in women: tools for the early detection of cases of trafficking for exploitation, commercial sexual exploitation of children and adolescents and tourism for sexual exploitation	8 000	To be kept pending until receipt of satisfactory additional information
Blue Dragon Children's Foundation	Viet Nam	Safe and Sound	9 800	To be kept pending until receipt of satisfactory additional information

United Nations A/65/95

General Assembly

Distr.: General
30 June 2010

Original: English

Sixty-fifth session
Item 99 (c) of the preliminary list*
General and complete disarmament

Measures to uphold the authority of the 1925 Geneva Protocol

Note by the Secretary-General

1. At its sixty-third session, the General Assembly adopted resolution 63/53, entitled "Measures to uphold the authority of the 1925 Geneva Protocol", paragraphs 2 to 4 of which read as follows:

> *The General Assembly*,
>
> ...
>
> 2. *Renews its previous call* to all States to observe strictly the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare,[1] and reaffirms the vital necessity of upholding its provisions;
>
> 3. *Calls upon* those States that continue to maintain reservations to the 1925 Geneva Protocol to withdraw them;
>
> 4. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the implementation of the present resolution.

2. Since the adoption of resolution 63/53, no withdrawals of reservations by States parties have been reported by the depositary of the 1925 Geneva Protocol.

3. Should the Secretary-General receive notice of further withdrawals of reservations to the Protocol, Member States will be duly informed.

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* A/65/50.

[1] League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138.

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United Nations

A/65/96

General Assembly

Distr.: General
14 May 2010

Original: English

Sixty-fifth session
Item 77 of the preliminary list*
Responsibility of States for internationally wrongful acts

Responsibility of States for internationally wrongful acts

Comments and information received from Governments

Report of the Secretary-General

I. Introduction

1. The International Law Commission adopted the articles on responsibility of States for internationally wrongful acts ("State responsibility articles") at its fifty-third session, in 2001. In its resolution 56/83 of 12 December 2001, the General Assembly took note of the State responsibility articles adopted by the Commission, the text of which was annexed to that resolution, and commended them to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action. In its resolution 59/35 of 2 December 2004, the Assembly once again commended the State responsibility articles to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action. Moreover, in the latter resolution, the Assembly requested the Secretary-General "to invite Governments to submit their written comments on any future action regarding the articles". It also requested the Secretary-General "to prepare an initial compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard" and "to submit this material well in advance of its sixty-second session".

2. Following its consideration of the written comments received from Governments,[1] as well as the compilation of decisions prepared by the Secretary-General,[2] the General Assembly, in its resolution 62/61 of 6 December 2007, once again commended the State responsibility articles to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action. The Assembly again requested the Secretary-General "to invite Governments

* A/65/50.

[1] See A/62/63.

[2] See A/62/62 and Corr.1 and Add.1.

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to submit their written comments on any future action regarding the articles" and also requested the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles.[3] In addition, the Assembly decided to further examine, at its sixty-fifth session, within the framework of a working group of the Sixth Committee, "the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles".

3. By a note verbale dated 6 March 2009, the Secretary-General invited Governments to submit, no later than 1 February 2010, their written comments on any further action regarding the State responsibility articles.

4. As at 10 May 2010, the Secretary-General had received written comments from Brazil (dated 1 February 2010), the Czech Republic (dated 28 January 2010), Finland, on behalf of the Nordic countries (dated 1 February 2010), France (dated 29 January 2010), Germany (dated 18 January 2010), Lithuania (dated 2 November 2009), Mexico (dated 5 February 2010), the Netherlands (dated 3 September 2009), Portugal (dated 21 January 2010), Qatar (dated 30 April 2009), the United Kingdom of Great Britain and Northern Ireland (dated 10 March 2010), and the United States of America (dated 5 February 2010). Those comments are reproduced below.

II. Comments on any future action regarding the articles on responsibility of States for internationally wrongful acts

Brazil

1. After decades of discussions and the appointment of five special rapporteurs, the Commission was able to produce a set of draft provisions that have been widely used as a reference by international tribunals and also by States. The General Assembly of the United Nations has already taken note and commended the State responsibility articles to the attention of Governments in three resolutions, adopted in 2001,[4] 2004[5] and 2007.[6]

2. In the light of the great importance of the matter, the Brazilian Government is of the view that a next step should be taken. The articles prepared by the Commission should be used as a basis for negotiations on a future convention on the responsibility of States for internationally wrongful acts, to be convened under the auspices of the United Nations.

Czech Republic

There have been no major developments requiring a change in the position of the Czech Republic on further action regarding the State responsibility articles, as reflected in its 2007 written comments.[7]

[3] See A/65/76.
[4] Resolution 56/83.
[5] Resolution 59/35.
[6] Resolution 62/61.
[7] See A/62/63.

Finland (on behalf of the Nordic countries)

1. The State responsibility articles have become the most authoritative statement available on questions of State responsibility. In numerous instances, the courts, tribunals and other bodies have referred to the articles as "established rules" or as an "expression of accepted principles" of international law.

2. The Nordic countries continue to hold the view that the articles are in the strongest possible position as an annex to a resolution. Despite the fact that there are different views on specific details, the articles reflect a widely shared consensus. A diplomatic conference aimed at producing a convention might jeopardize the delicate balance built in the articles. For those reasons, the Nordic countries consider that is it not, as for now, advisable to embark on negotiations on a convention on responsibility of States for internationally wrongful acts.

France

1. France reaffirms its support for the Commission's recommendation that an international conference of plenipotentiaries be convened with a view to negotiating a convention on this topic based on the draft articles adopted by the Commission in 2001.

2. France recalls that the mandate of the International Law Commission is the progressive development and codification of international law. It considers that the above-mentioned articles are sufficiently well developed to be ready for codification. France also believes that, in the light of the importance and novelty of some of the rules set forth in the articles, it is essential to invite States to examine the proposed rules at a conference where they could present their views. In this regard, France believes that the draft articles of the International Law Commission constitute a good basis on which to work.

Germany

1. Both German and international courts such as the European Court of Human Rights continue to refer in their decisions to selected articles of the State responsibility articles, and all assume as a matter of course that those articles are legally binding statements of customary international law.

2. Their status is thus secure under both German and international case law. In Germany's view, this trend should continue to be closely monitored and attention should in particular be paid to whether State courts accord the articles in their entirety (rather than individual articles) the status of customary international law. In the view of Germany, as long as not all States and courts do so, a binding convention should not be drawn up, in order not to jeopardize the existing consensus regarding the binding nature of the articles' main thrust.

Lithuania

1. The State responsibility articles and the accompanying commentaries take into account the theories and practices of State responsibility in a comprehensive and

balanced manner. The articles not only constitute an important contribution to the codification of legal rules regarding State responsibility, but also are very important in safeguarding international relations and maintaining the stability and development of the international legal order. The International Court of Justice and other judicial bodies already refer to the articles in their decisions.

2. Therefore, we support the discussion on convening a conference to consider the adoption of a convention on this issue. It is our understanding that the logical conclusion of the Commission's work on the codification of international law will be the negotiation and adoption of a binding treaty. The negotiations will not, however, prejudice the importance of the draft articles as a reflection of customary law and practice.

Mexico

1. Since the fifty-fifth session of the General Assembly, Mexico has emphasized that the State responsibility articles should result in the adoption of a treaty, since "[o]nly a binding instrument could offer the guarantees and certainty necessary to enable injured States to obtain reparation. States tended to disparage so-called 'soft law'. It was doubtful that a declaration would make the significant contribution to the codification of international law warranted by five decades of effort".[8]

2. At the sixty-second session, in discussing the form that the articles should take, Mexico once again stressed that "it was imperative that the international community should codify the rules on State responsibility".[9]

3. The General Assembly has repeatedly observed that "the subject of responsibility of States for internationally wrongful acts is of major importance in relations between States".[10] In this regard, Mexico is of the opinion that the articles in question constitute one of the most important developments in international law. This is a very well-conceived and balanced draft, leading from a restricted conception of international responsibility of States, basically limited to the protection of persons and their property abroad, to a fundamental legal concept which makes international rights and obligations binding within a developed legal system. The articles likewise reflect the transition from the law of nations, viewed solely as a set of bilateral regimes of a contractual nature, to the consolidation of a true legal order for the international community.

4. In this connection, Mexico considers that the State responsibility articles deserve a place, "together with the Vienna Convention on the Law of Treaties, as one of the fundamental pillars of public international law".[11] It is not a merely symbolic question; rather, it provides the binding force that the international community wishes to give to the law of international responsibility of States. Mexico agrees with those members of the Commission who at that time drew attention to the imbalance that would be created where primary rules were more comprehensively codified than secondary rules,[11] and stresses that this imbalance

[8] A/C.6/55/SR.20, para. 45.
[9] A/C.6/62/SR.12, para. 79.
[10] See resolutions 59/35 and 62/61.
[11] A/56/10 and Corr.1, para. 62.

could in the long term be detrimental to the coherence and effectiveness of international law.

5. Likewise, the important role that the adoption of a treaty would play in the stabilization and certainty of the rules on international responsibility of States, and regarding their continued existence over time, must be recognized. In the opinion of Mexico, that would be without prejudice to the process of forming international custom regarding the matter. On the contrary, the work of the Commission has shown in other fields, such as treaty law,[11] the continuous and positive impact that it can have on the development of customary law.

6. Mexico also wishes to underline in this context the enormous potential of a treaty on the responsibility of States for internationaliy wrongful acts for the acceptance of international law in national law. Taking into account above all the large number of States with Roman-canon-law types of legal systems, the advantages of statute law for the effective application of the legal regime of the international responsibility of States must be given due weight in the deliberations of the working group of the Sixth Committee that will meet during the sixty-fifth session of the General Assembly.

7. In the light of the importance of the topic, the International Law Commission decided to recommend to the General Assembly that it should consider, at a later stage, the possibility of concluding a convention on the topic.[12] Almost a decade having passed since the General Assembly considered this recommendation, Mexico welcomes the establishment of the above-mentioned working group and reaffirms its belief that the best way in which the State responsibility articles can help to achieve the aims set forth in Article 13, paragraph 1 (a), of the Charter of the United Nations — whose importance has been consistently reaffirmed by the General Assembly in the context of this topic[13] — is through the adoption of a treaty.

Netherlands

1. The Netherlands would not want to exclude the possibility that the State responsibility articles will eventually be elaborated into a convention. However, we do not believe that negotiations should be initiated at the present time to develop a convention on the responsibility of States for internationally wrongful acts. We believe that the initiation of such negotiations at this moment in time may unravel the fragile balance in the text of the articles or result in the adoption of the text of a convention that may never enter into force or one that will not acquire universal or at least quasi-universal participation.

2. It is the opinion of the Netherlands that the greater part of the articles reflects customary international law. The incorporation of this part into a convention would add little to the development of international law. The remaining part of the articles could be regarded as *de lege ferenda* or a progressive development of international law. With respect to this part, we are convinced that the practice of States as well as the decisions of international courts, arbitral tribunals and other bodies will make a significant contribution to the development of customary international law in this

[12] A/56/10 and Corr.1, para. 73.

[13] See resolutions 56/83, 59/35 and 62/61.

area and that the crystallization of these articles into customary international law will benefit from more time.

3. The Netherlands considers the responsibility of States for internationally wrongful acts an important topic and believes that States should continue to acquire even wider experience with the application of the articles in practice. Therefore, we would like to consider the question of the adoption of or other appropriate action on the articles again, but not earlier than at the sixty-eighth session of the General Assembly, in particular in the light of further practice of States as well as decisions of international courts, arbitral tribunals and other bodies.

Portugal

1. It is now more than 60 years since the International Law Commission decided to embark on what is certainly one of its most important projects. This is a topic that has been maturing since 1949, when the Commission first selected the subject of State responsibility as suitable for codification. It was one of the first topics to be selected as meeting that criterion. Since then, the articles have been in a period of maturation. Portugal believes that the time is ripe for making a decision on future action regarding the articles.

2. Portugal recognizes that Member States have different views regarding the future of this topic, as reflected in the written comments that Governments, including our own, submitted in 2007.[14] Those views range from supporting a convention to merely adopting the articles in a General Assembly resolution.

3. As Portugal has already had the opportunity to state before the Sixth Committee and in our previous written comments on the matter, we continue to believe that this is an area of international law that deserves to be incorporated into a legal instrument that will certainly contribute in a decisive manner to respect for international law and to peace and stability in international relations.

4. States must not be overcautious about moving forward in this area, since the only concern is to establish the consequences of international wrongful acts, not to provide for a definition of the wrongful act itself. State responsibility concerns only the secondary rules, not the primary rules, which define the obligations of States.

5. If one wants convincing evidence as to the opportunity and fundamental need to proceed in this field, one has only to turn to State practice and to decisions of international courts and tribunals, including the case law of the International Court of Justice. The report prepared by the Secretary-General containing a compilation of decisions of international courts, tribunals and other bodies[15] clearly illustrates this.

6. Furthermore, it would be senseless not to proceed in the development and codification of this matter and to continue to proceed in other areas such as diplomatic protection, liability and responsibility of international organizations when the main principles guiding the development of these latter subjects are the same that apply to State responsibility.

[14] See A/62/63.

[15] A/62/62 and Corr.1 and Add.1.

7. Therefore, Portugal considers that the State responsibility articles should be adopted as a binding international convention.

Qatar

Qatar deems it appropriate that the United Nations General Assembly establish a subsidiary ad hoc committee or working group mandated with the consideration of further action regarding the State responsibility articles. In fact, Qatar leans towards the adoption by the Assembly of a consensus declaration that could contribute, by being cited in decisions of international courts and other international bodies, to the consolidation of the articles and lay the foundations for the next phase in the process of the adoption of a treaty on the responsibility of States for internationally wrongful acts.

United Kingdom of Great Britain and Northern Ireland

1. The United Kingdom remains firmly of the view, for the reasons previously expressed in our comments of 8 January 2007,[16] that the action of the General Assembly in commending the State responsibility articles to the attention of Governments was the right course of action and that embarking on the process of negotiating a convention is neither necessary nor desirable. We understand that other States share this view. The United Kingdom does not see any benefit to be gained in adopting a convention. The articles have continued to enter the fabric of international law through State practice, decisions of courts, tribunals and other bodies, and the writings of publicists.

2. The articles have frequently been cited or used in many different areas of international law, including trade law, the use of force and human rights. This has resulted in a wealth of jurisprudence.[17] The articles are also referred to in the work of foreign ministries and other Government departments and guide the practice of States. The impact of the articles is only likely to increase with time, as is evidenced by the increasing reference to the articles since their adoption by the General Assembly in 2001. On the other hand, if a convention is negotiated there is a significant risk that the current content and status of the articles would be undermined. The articles are the product of intense negotiation and compromise, with no State wholly satisfied with the text in every aspect. If the articles were reopened for the purposes of negotiating a convention, there would be a risk that the ensuing process might undermine the development of the law in this area. Given that the articles have continued in the process of naturally crystallizing into the fabric of international law, we remain strongly of the view that attempting to negotiate a convention is unnecessary and undesirable.

[16] See A/62/63.

[17] See A/62/62 and Corr.1 and Add.1.

United States of America

1. The United States believes that the action of the General Assembly in 2001[18] in commending the State responsibility articles to the attention of Governments with no further action at that time was the right course of action to adopt. We continue to believe that no further action with regard to the articles is necessary.

2. There is a large body of well-established State practice pertaining to many of the issues covered by the articles. The State responsibility articles have shown themselves to be useful in their current, non-binding form, as a guide for States and other international actors on either what the law is or how the law might be progressively developed. It is difficult to see what would be gained by the adoption of a convention. Indeed, the negotiation of a convention would risk undermining the very important work that has been undertaken by the Commission on this topic, particularly if a significant number of States did not ratify the resulting convention. For those reasons, the United States believes that no further action need be taken on this topic.

[18] See resolution 56/83.